

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MERLE and PAULA ABRAMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:03-cv-428
)	(Phillips/Guyton)
FIRST TENNESSEE BANK NATIONAL)	
ASSOCIATION, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the memorandum and order filed by United States Magistrate Judge H. Bruce Guyton [Doc. 318]. Plaintiffs and New South Bank objected to the order of the magistrate judge [Doc. 321]. Thereafter, defendants, First Tennessee National Bank Association and First Horizon Home Loan Corporation, filed a response to plaintiffs' and New South Bank's joint objections to the magistrate's memorandum and order [Doc. 334].

After careful review of the memorandum and order and the record, the Court readily concludes that the magistrate judge has thoroughly and correctly analyzed the legal issues presented in defendant's motion to compel. Therefore, the Court is in complete agreement with the magistrate judge's determinations, finding that the subject agreement between plaintiffs and New South is relevant and not protected by any privilege in that the parties are fundamentally adverse to one another and do not share identical legal interests. Therefore, the subject agreement is discoverable, and plaintiffs and New South are directed

to produce the agreement to First Tennessee National Bank Association and First Horizon Home Loan Corporation.

For the reasons stated in the memorandum and order, which the Court adopts and incorporates into its ruling, defendants motion to compel discovery [Doc. 233] is **GRANTED**; defendant's objections [Doc. 321] are hereby **OVERRULED** in their entirety; and the **M&O is ACCEPTED IN WHOLE.**

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE